

REMARKS

Claims 102-132 are pending in the above-referenced application. As will be discussed in further detail below, claims 107, 109, 113, 116-120 and 123 have been cancelled. Furthermore, claims 102, 106, 108, 121-122 and 129 have been amended. These amended claims are supported by the specification. No new matter has been added.

1. The Rejections Under 35 U.S.C. 102

Claims 102-109, 123, 124, 130-132 have been rejected under 35 U.S.C. 102(b) as being anticipated by Arcari et al., Chem Abstract 98045767, specifically compounds having RN 70651-72-8 and 70651-74-0.

Applicants respectfully traverse the rejection. However, in order to advance prosecution, claim 102 has been amended to include the proviso: "when X is -CO-, Y is -O-, A is -CH₂-, Z is phenyl, R¹=R²=R⁴=R⁵=R⁶=hydrogen, m=n=p=0 and q=1, R³ must not be hydrogen, ethyl, isopropyl or phenyl". This amendment is supported by the specification on page 36, lines 16-17. Applicants note that the other claims, 103-109, 123, 124 and 130-132 depend from claim 102.

In view of the amendment to claim 102 and the above remarks, Applicants assert that the rejections under 35 U.S.C. 102(b) have been overcome. Therefore, Applicants respectfully request that the rejections be withdrawn.

2. The Rejections Under 35 U.S.C. 112, Second Paragraph

Claims 106-109, 113, 116-123 and 129 have been rejected under 35 U.S.C. 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regards as the invention. A number of assertions have been made. Applicants will address each assertion in sequence.

21 Claims 106 and 116-120 recite the limitation "R13" in Z. There is insufficient antecedent basis for this limitation in the claim.

In response, claim 106 has been amended to remove recitation of "R13". Claims 116-120 have been cancelled.

22. Claims 107-108, 121 and 122 recite the limitation "cydoalkyl, cycloalkenyl" and "cyclopentyl, cyclohexyl, cyclohexenyl" in Z. There is insufficient antecedent basis for this limitation in the claim.

Claim 102 has been amended to recite "cyclopentyl, cyclohexyl, cyclohexenyl". Amended claim 102 is supported by the specification on page 10, lines 10-19. Claim 107 has been amended so that "cydoalkyl" and "cydoalkenyl" are no longer recited. Claim 120 has been cancelled.

23. Claims 113 and 121 recite the limitation "adamanyl" and "oxazolyl" in Z. There is insufficient antecedent basis for this limitation in the claim.

Claim 113 has been cancelled. Claim 102 has been amended to recite "oxazolyl".

24. Claim 109 depends from a cancelled claim

Claim 109 has been cancelled.

25. Claim 123 is a substantial duplicate of claim 109 if claim 109 actually depends on claim 102.

Claim 123 has been cancelled.

26. Claim 129 is of indeterminate scope.

Claim 129 has been amended to recite that it is directed to a method for treating overweight or obesity comprising administering to a subject in need thereof the compound of claim 102.

In view of the claim amendments discussed above and the above remarks, Applicants assert that the rejections under 35 U.S.C. 112, second paragraph have been overcome. Therefore, Applicants respectfully request that the rejections be withdrawn.

3. Conclusion

In view of the above, it is respectfully submitted that all claims are in condition for allowance. Early action to that end is respectfully requested. The Examiner is hereby invited to contact the undersigned by telephone if there are any questions concerning this amendment or application.

Respectfully submitted,

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